

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN CANELLA,

Plaintiff,

v.

WERNER CO. and THE HOME
DEPOT, INC.,

Defendants.

Civil No. 2:21-cv-6188 (KSH) (CLW)

ORDER

THIS MATTER having come before the Court on the unopposed motion [D.E. 8] of plaintiff John Canella to remand this case to the Superior Court of New Jersey, Bergen County, Law Division, and the report and recommendation [D.E. 12] of Magistrate Judge Cathy L. Waldor, recommending that the motion to remand be granted; and

WHEREAS, the District Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.”); L. Civ. R. 72.1(c)(2) (district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge,” and “may consider the record developed before the

Magistrate Judge, making his or her own determination on the basis of that record.”); and

WHEREAS, no party has filed objections to the report and recommendation, and the time for filing objections has expired; and

WHEREAS, this Court has reviewed the record and given “reasoned consideration” to the report and recommendation, *see EEOC v. Long Branch*, 866 F.3d 93, 99-100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)); and

WHEREAS, plaintiff’s motion raises procedural defects in defendants’ notice of removal; and

WHEREAS, defendants consent to remand [D.E. 10]; and

WHEREAS, the report and recommendation properly concludes that remand is appropriate under the circumstances,

For the foregoing reasons, and for good cause shown,

IT IS on this 28th day of June, 2021,

ORDERED that Judge Waldor’s report and recommendation [D.E. 12] is ADOPTED; and it is further

ORDERED that plaintiff’s motion to remand [D.E. 8] is GRANTED; and it is further

ORDERED that this case is remanded to the Superior Court of New Jersey,
Bergen County, Law Division.

The Clerk of the Court is directed to close this case.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.